

RM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**

**Federal Communications Commission**

**1919 M Street, N.W., Room 844**

**Washington, D.C. 20554**

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**APR 20 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

April 18, 1995

Mr. Jeffrey P. Dack, AICP  
Director of Planning  
City of Marina  
211 Hillcrest Avenue  
Marina, California 93933

**DOCKET FILE COPY ORIGINAL**

Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Mr. Dack:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

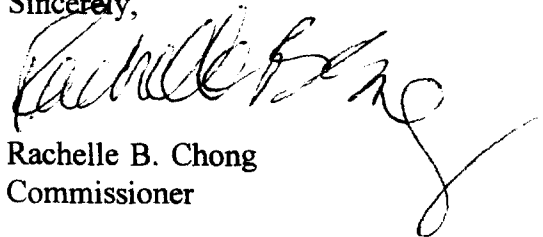
However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachelle B. Chong', with a long, sweeping flourish extending to the right.

Rachelle B. Chong  
Commissioner

# City of Marina

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zoning  
preemption



March 9, 1995

Commissioner Rachelle Chong  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20036

Dear Commissioner Chong:

**SUBJECT: CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION'S PETITION FOR RULE MAKING TO PREEMPT STATE AND LOCAL REGULATION OF TOWER SITING FOR COMMERCIAL MOBILE SERVICES PROVIDERS (RM-8577)**

The City of Marina has recently become aware of the above petition. It comes at an interesting time for this City. Marina has been working for around a year now with two providers of cellular phone services to locate an appropriate site for a tower in Marina. Our local community has become very involved with the issue. After recently disapproving one site, the Marina City Council provided encouragement to the two cellular service providers to pursue another one of the alternatives which they proposed. Therefore, although the local review and approval process has not been easy for either the City, its residents or the cellular providers, it is working. I expect that the City will receive a formal application for this new site soon and that the City will review it favorably. The type of hard fought consensus now being forged in Marina would be severely damaged by a possible FCC rule to preempt state and local governments from enforcing zoning and other similar regulations.

In the past few decades of increasing government centralization, local zoning is one of the few highly effective tools which remains available to local communities to allow them to determine at least some of their own desired destiny. Although interests such as the cellular service industry may consider local determination to be nuisance, citizens throughout the United States consider local determination to be essential. This is very clear from the new mood on Capitol Hill.

The City of Marina implores you to reject state and local preemption initiatives such as found in the current proposed RM-8577.

Sincerely,

JEFFREY P. DACK, AICP  
DIRECTOR OF PLANNING

cc: Mayor and City Council

fcc1.ltr